

Federal Defenders  
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May 6, 2020

BY ECF and MAIL

The Honorable Lisa M. Smith  
United States Magistrate Judge  
Southern District of New York  
300 Quaroppas Street  
White Plains, New York 10601

**Re: United States v. Maurisio Stewart  
20 Cr. 83 (CS)**

Dear Magistrate-Judge Smith:

This letter is to request a bail hearing for Mr. Stewart. Mr. Stewart was initially presented on a Complaint on January 22, 2020. The Three-Count Complaint charged Mr. Stewart with violations of Title 18 USC Sec 922c, felon in possession of a firearm, Title 21 Sec. 841(a)(1), possession with intent to distribute a controlled substance, and Title 21 USC Sec. 841(b)(1)c, possession with intent to distribute “crack” cocaine. Mr. Stewart initially waived his pretrial interview and reserved on a bail hearing. He has been detained since his initial appearance. He was subsequently arraigned on a One Count Indictment on January 31, 2020. The Indictment charges a violation of Title 18 USC Sec 922(g)(1) being a felon in possession of a firearm. The case was wheeled out to Judge Seibel who held the first pretrial conference the same day. A second conference was held on March 12, 2020, at which time discovery was complete. A third conference was scheduled for May 12, but due to the courts closing as a result of the COVID-19 pandemic, it was been adjourned until June 21, 2020. Time has been excluded under the Speedy Trial Act.

Mr. Stewart was initially arrested by the Tarrytown Police department during a traffic stop for allegedly having tinted windows. What transpired next are facts that will be litigated at trial. As a result of the stop, and what the police allege Mr. Stewart said, the police executed a search of a motel room where he and his wife were temporarily living.

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During the search a small amount of drugs and a gun were recovered. Drug charges are still pending against Mr. Stewart in Tarrytown. He has been offered a plea to Disorderly Conduct but intends to file a suppression motion based on an illegal stop.

Mr. Stewart is a 41-year-old married man. At the time of his arrest he had been gainfully employed at Westchester County Medical Center as a housekeeper with a monthly salary of \$2,300. His wife is also employed there. As noted in the pretrial report, Mr. Stewart suffers from chronic asthma and high blood pressure, both put him in the high risk category for contracting the Corona virus. Westchester County jail has over 100 positive COs and many positive inmates. While, admittedly, his criminal history is problematic, his current charge does not warrant a potential death sentence.

We are currently scheduled for a bail hearing on May 8, 2020 at 3:00 p.m. Mr. Stewart waives his right to be present and consents to proceed by telephone. We thank the Court in advance for your kind consideration.

Respectfully submitted,  
/s/  
Susanne Brody

cc: Nicholas S. Bradley, A.U.S.A

Cynthia Labrovic, U.S.P.T.O.

Mr. Maurisio Stewart